

HOUSE BILL 520

R2, P2

11r0317
CF SB 479

By: **Delegates Rosenberg, Mizeur, Arora, Barve, Cardin, Cullison, DeBoy, Donoghue, Feldman, Frank, Hubbard, Huckler, Kach, A. Kelly, Kipke, Kramer, Lafferty, Lee, McDonough, Mitchell, Morhaim, Murphy, Oaks, Pena-Melnyk, Ready, Reznik, Ross, Stein, Tarrant, V. Turner, Vaughn, and Zucker**

Introduced and read first time: February 7, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Procurement for MARC Train Service – Disclosure**
3 **Requirements Regarding Involvement in Deportations**

4 FOR the purpose of requiring certain entities that submit a bid or proposal to the
5 Maryland Department of Transportation or certain other units of the State or
6 local government to provide certain MARC train service to submit a certain
7 statement concerning certain deportation activity in which the entity may have
8 engaged; requiring an entity to include certain information in the statement;
9 requiring the Department of Transportation or certain other units of the State
10 or local government to consider certain information provided by certain entities
11 seeking to provide certain MARC train service; defining certain terms; and
12 generally relating to the disclosure of certain information by entities that
13 submit bids or proposals on procurement contracts to provide certain MARC
14 train service.

15 BY adding to

16 Article – State Finance and Procurement
17 Section 12–501 through 12–504 to be under the new subtitle “Subtitle 5.
18 Disclosure Requirements Regarding Involvement in Deportations”
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2010 Supplement)

21 BY adding to

22 Article – Transportation
23 Section 7–508
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – State Finance and Procurement**

4 **SUBTITLE 5. DISCLOSURE REQUIREMENTS REGARDING INVOLVEMENT IN**
5 **DEPORTATIONS.**

6 **12-501.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “DEPARTMENT” MEANS THE MARYLAND DEPARTMENT OF
10 TRANSPORTATION.

11 (C) “DIRECT INVOLVEMENT” MEANS OWNERSHIP OR OPERATION OF
12 THE TRAINS ON WHICH INDIVIDUALS WERE DEPORTED TO EXTERMINATION
13 CAMPS, DEATH CAMPS, OR ANY FACILITY USED TO TRANSITION INDIVIDUALS TO
14 EXTERMINATION CAMPS OR DEATH CAMPS, DURING THE PERIOD BEGINNING ON
15 JANUARY 1, 1942, AND ENDING ON DECEMBER 31, 1944.

16 (D) “ENTITY” MEANS:

17 (1) A CORPORATION, AFFILIATE, OR OTHER SIMILAR
18 ORGANIZATION THAT CONTROLS, OR IS CONTROLLED OR OWNED OR PARTIALLY
19 OWNED BY OR UNDER COMMON CONTROL WITH, A CORPORATION THAT HAS
20 DIRECT INVOLVEMENT; OR

21 (2) A MEMBER OF A PARTNERSHIP OR A CONSORTIUM THAT
22 INCLUDES AN ENTITY THAT CERTIFIES THAT IT HAS DIRECT INVOLVEMENT.

23 (E) (1) “PROPERTY” MEANS ANY PERSONAL BELONGINGS OWNED OR
24 CONTROLLED BY VICTIMS OF THE DEPORTATIONS TO EXTERMINATION CAMPS,
25 DEATH CAMPS, OR FACILITIES USED TO TRANSITION INDIVIDUALS TO
26 EXTERMINATION CAMPS OR DEATH CAMPS, DURING THE PERIOD BEGINNING ON
27 JANUARY 1, 1942, AND ENDING ON DECEMBER 31, 1944.

28 (2) “PROPERTY” INCLUDES:

29 (I) JEWELRY;

30 (II) BOOKS;

1 (III) ARTIFACTS;

2 (IV) PRECIOUS METALS; AND

3 (V) CURRENCY.

4 (F) "RECORDS" INCLUDES:

5 (1) DOCUMENTS;

6 (2) CORRESPONDENCE;

7 (3) MEMORANDA;

8 (4) RECEIPTS;

9 (5) INVOICES;

10 (6) PRESENTATIONS;

11 (7) AUDITS; AND

12 (8) ANY OTHER MATERIALS RELATED TO ITEMS (1) THROUGH (7)
13 OF THIS SUBSECTION.

14 **12-502.**

15 **FOR THE PURPOSES OF THIS SUBTITLE:**

16 (1) TWO OR MORE ENTITIES SHALL BE CONSIDERED AS THE SAME
17 ENTITY IF:

18 (I) ONE ENTITY IS A WHOLLY OWNED SUBSIDIARY OF THE
19 OTHER; OR

20 (II) ONE ENTITY OWNS OR DIRECTLY OR INDIRECTLY
21 CONTROLS MORE THAN 50% OF THE VOTING SECURITIES OF THE OTHER
22 ENTITY, REGARDLESS OF WHETHER THE EQUITY INTEREST IN THAT OTHER
23 ENTITY IS OWNED BY A FOREIGN GOVERNMENT; AND

24 (2) IF AN EQUITY INTEREST IN AN ENTITY IS OR WAS OWNED BY A
25 FOREIGN GOVERNMENT, THAT EQUITY INTEREST SHALL BE ATTRIBUTED TO
26 THE ENTITY.

1 **12-503.**

2 **THIS SUBTITLE APPLIES TO AN ENTITY THAT:**

3 **(1) HAS DIRECT INVOLVEMENT; AND**

4 **(2) SUBMITS A BID ON A PROCUREMENT CONTRACT WITH THE**
5 **DEPARTMENT OR WITH ANY OTHER UNIT OF THE STATE OR LOCAL**
6 **GOVERNMENT TO PROVIDE MARC TRAIN SERVICE THAT IS FUNDED IN WHOLE**
7 **OR IN PART WITH PUBLIC FUNDS.**

8 **12-504.**

9 **(A) BEFORE SUBMITTING A FORMAL BID ON A PROCUREMENT**
10 **CONTRACT TO THE DEPARTMENT OR OTHER UNIT OF THE STATE OR LOCAL**
11 **GOVERNMENT TO PROVIDE MARC TRAIN SERVICE, AN ENTITY SHALL:**

12 **(1) CERTIFY TO THE DEPARTMENT OR UNIT WHETHER THE**
13 **ENTITY HAS DIRECT INVOLVEMENT; AND**

14 **(2) DISCLOSE TO THE DEPARTMENT OR OTHER UNIT THE**
15 **INFORMATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

16 **(B) AN ENTITY SUBJECT TO THIS SUBTITLE SHALL STATE, AS TO THE**
17 **DEPORTATION OF INDIVIDUALS TO EXTERMINATION CAMPS, DEATH CAMPS, OR**
18 **A FACILITY TO TRANSITION INDIVIDUALS TO EXTERMINATION CAMPS OR DEATH**
19 **CAMPS DURING THE PERIOD BETWEEN JANUARY 1, 1942, AND DECEMBER 31,**
20 **1944:**

21 **(1) (I) WHETHER THE ENTITY HAS ANY RECORDS RELATING TO**
22 **THE DEPORTATIONS IN ITS POSSESSION, CUSTODY, OR CONTROL;**

23 **(II) THE LOCATION WHERE THE RECORDS ARE MAINTAINED;**
24 **AND**

25 **(III) THE CONTENTS AND ADDRESSES OF ANY ARCHIVE OR**
26 **OTHER FACILITY WHERE THE ENTITY MAINTAINS RECORDS;**

27 **(2) A DETAILED INDEX OF THE RECORDS, INCLUDING:**

28 **(I) THE LOCATION OF THE RECORDS AND A LIST OF ANY**
29 **MONEY RECEIVED FOR EACH DEPORTATION, DELINEATED BY INDIVIDUAL**
30 **CONVOYS AND PERSONS; AND**

1 **(II) AN ACCOUNTING OF EACH PIECE OF PROPERTY TAKEN**
2 **OR CONFISCATED IN CONNECTION WITH THE DEPORTATIONS;**

3 **(3) IF THE ENTITY NO LONGER HAS IN ITS CUSTODY OR CONTROL**
4 **ANY OR ALL OF THE PROPERTY TAKEN OR CONFISCATED IN CONNECTION WITH**
5 **THE DEPORTATIONS:**

6 **(I) THE TIME AND MANNER IN WHICH THE ENTITY**
7 **DISPOSED OF OR CONVERTED THE PROPERTY;**

8 **(II) ANY PROPERTY CURRENTLY OWNED OR OPERATED BY**
9 **THE ENTITY THAT WAS EXCHANGED FOR THE EXPROPRIATED PROPERTY;**

10 **(III) ANY EXPROPRIATED PROPERTY CURRENTLY OWNED BY**
11 **THE ENTITY OR ANY OTHER PROPERTY DERIVED FROM THE EXPROPRIATED**
12 **PROPERTY; AND**

13 **(IV) ANY OTHER DERIVATIVE OR TRACEABLE PROPERTY**
14 **THAT REMAINS IN THE ENTITY'S POSSESSION, CUSTODY, OR CONTROL AS A**
15 **RESULT OF ITS DEPORTATIONS ACTIVITY;**

16 **(4) IF ANY RECORDS RELATING TO THE DEPORTATIONS HAVE**
17 **BEEN MADE PUBLIC, A CONFIRMATION THAT THE MATERIALS MADE AVAILABLE**
18 **FOR PUBLIC REVIEW CONSTITUTE ALL OF THE RECORDS, REGARDLESS OF THE**
19 **DATE THE RECORDS WERE CREATED OR OBTAINED; AND**

20 **(5) WHETHER THE ENTITY HAS PROVIDED RESTITUTION OR**
21 **REPARATIONS TO ALL IDENTIFIABLE VICTIMS OF THE DEPORTATIONS AND, IF**
22 **SO STATED, A DETAILED REPORT ON HOW THE RESTITUTION APPLIES**
23 **SPECIFICALLY TO INDIVIDUALS DEPORTED BY THE ENTITY.**

24 **Article – Transportation**

25 **7-508.**

26 **AN ENTITY THAT SUBMITS A BID OR PROPOSAL TO THE ADMINISTRATION**
27 **TO PROVIDE MARC TRAIN SERVICE ON THE CAMDEN AND BRUNSWICK LINES**
28 **IN THE GREATER BALTIMORE-WASHINGTON METROPOLITAN REGION SHALL**
29 **COMPLY WITH THE REQUIREMENTS OF TITLE 12, SUBTITLE 5 OF THE STATE**
30 **FINANCE AND PROCUREMENT ARTICLE.**

31 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
32 **October 1, 2011.**